**Town of Melbourne Beach**

**MINUTES**

**PLANNING & ZONING BOARD MEETING**

**TUESDAY OCTOBER 5, 2021 @ 6:30pm**

**COMMUNITY CENTER – 509 OCEAN AVENUE**

**Board Members:**

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Town Attorney Clifford Repperger

1. **CALL TO ORDER**

Chairman Campbell called the meeting to order at 6:30 p.m.

1. **ROLL CALL**

Town Clerk Torres conducted the roll call:

Present:

Chairman Campbell

Vice Chairperson Belsten

Member Hilmes

Member Evans

Member Gonzalez

Staff Present:

Town Manager Mascaro

Town Clerk Torres

Building Department Beth Crowell

Town Attorney Clifford Repperger joined the meeting after roll call at 6:33 p.m.

**3. APPROVAL OF MINUTES –** September 7, 2021

**Vice Chairman Belsten moved to approve the draft minutes; Member Hilmes seconded; Motion carried 5-0.**

1. **NEW BUSINESS**
2. Site Plan Review for 405 3rd Avenue, Melbourne Beach

**Vice Chairman Belsten moved to approve the site plan for 405 3rd Avenue; Member Gonzalez seconded; Motion carried 5-0.**

1. Site Plan Review for 509 3rd Avenue, Melbourne Beach

**Member Gonzalez moved to approve the site plan for 509 3rd Avenue; Member Hilmes seconded; Motion carried 5-0.**

1. Discussion Related to Food Trucks within Town

Chairperson Campbell asked if food trucks could be limited only to special events.

Town Attorney Repperger said no.

Member Gonzalez said safety is an important issue and should be discussed – especially related to pedestrians and blind spots. Member Hilmes said food trucks should be available for residents to hire for temporary use.

Town Manager Mascaro said the Town Commission will discuss the issue at tomorrow night’s workshop.

Chairman Campbell asked if the Town has received calls about food trucks.

Town Manager Mascaro said yes.

The Board asked if the street ends were restricted – Town Manager Mascaro said no. Vice Chairman Belsten said he did not see a problem, as we are not overrun with food trucks. Chairperson Campbell said this is a preemptive step in order to keep it that way.

Member Gonzalez said the issues that should be looked at are

* Duration
* Location

Chairperson Campbell said the Town should indicate that they can’t park where they can impede traffic. Town Manager Mascaro said we would have to define what that means.

Member Hilmes said that in regard to residential use - his thought is that residents should be able to have a food truck at their home for private events and he wants to make sure they can do that without having to get a permit.

Member Gonzalez said that you have to get a permit for a bonfire – so a food truck should also require one too and it’s not a big deal.

Member Gonzalez suggested establishing a time frame for loading and unloading as well as how long a food truck can stay in front of a residence – for example – a few hours is fine but a few weeks is too much. He would like to see a time limitation for residential use of 24 -48 hours - just so there is not a permanent shop up in a residential area.

Going back to safety issues, Vice Chairman Belsten said that people need to understand the economics of it – commercial food trucks are not going to park deep in a residential area because they won’t make money there.

Member Hilmes said he was weary of building ordinances and restrictions where there isn’t an issue.

**Public Comment**

*Ali Dennington*

*413 Surf Road*

Ms. Dennington said she thinks the Town needs more restaurants and that food trucks are a great way to get them. She does think having them at the end of streets is a bad idea because space is limited, there are hedges, etc. She reaffirmed that she is completely in support of having them in Town – but believes they should be in a parking spot. They should not impede traffic. They should also do something about trash. They need to be responsible for picking that up before the end of day. And no blasting loud music.

**Back to the Board**

Member Evans said she likes the idea of food trucks. She asked the Town Attorney to explain what issues they should be looking at in order to keep them safe and in unison with the Town.

Town Attorney Repperger said it’s important to look at performance related criteria including; waste, noise, etc. In comparing nearby municipalities, their ordinances are mirror images of each other and ours would also be mirrored after those. He then went over the current ordinances in Cape Canaveral and Indialantic. He also clarified that the Town can’t require permitting at all – but can adopt an ordinance that explains how they can operate within the Town. Authorized special events can be permitted.

Further discussion ensued related to hours of operations, safety, private parties and parking at business locations.

The Board concurred that food trucks should operate until 10 p.m. for residential use and 2 a.m. for commercial use. Under certain hours and frequency – on commercial property and with the permission of the owner – they may have different operating hours. They also agreed that there should be no loud music and vendors must take care of all trash removal.

Town Attorney Repperger clarified that regulation of mobile food dispensing vehicles is preempted to the state and a municipality may not require a separate license.

Town Manager Mascaro said the Town can inspect for safety, etc. All food trucks must have all licenses, insurance, cleanliness etc.

**Public Comment**

*Ali Dennington*

*413 Surf Road*

Ms. Dennington said they should consider the season when they select the time frame a food truck can operate because of daylight savings time and schools being out for summer.

**REPORTS: TOWN MANAGER AND TOWN ATTORNEY**

**10. ITEMS TO BE ADDED TO THE NEXT AGENDA**

Member Gonzalez asked if they need to add an item to the agenda related to accessibility of new structures. Town Attorney Repperger said they would need to change the code to address this.

Town Manager Mascaro said they can add this item to a future agenda so the Board can discuss their thoughts and ideas and make recommendations.

It will be added to December’s agenda.

**11. ADJOURNMENT**

**Vice Chairman Belsten moved to adjourn; Member Gonzalez seconded; Motion carried 5-0.**

Meeting adjourned at 7:18 p.m.